

REMARKS

The Examiner stated that this application contains claims directed to the following patentably distinct species of the claimed invention: Figs. 3a-3b; Fig. 4a; Fig. 4b; Fig. 5; Fig. 6; Fig. 7; Fig. 8; and Fig. 9.

The Examiner also required Applicant under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant has elected the species of Figure 4a for prosecution on the merits, with traverse. Applicant respectfully submits that the species of Figures 4a, 5, and 9 are not patentably distinct and cover the same general event of concepts. Applicant also submits that claim 18 is generic and covers the species of Figures 4a, 5, and 9.

Independent claim 18 includes a substrate, a semiconductor device on the substrate, a cover secured to the substrate through a flexible sealant material. Specifically, claim 18 includes the limitations "a substrate having a top", "at least one semiconductor device attached to said top surface of said substrate," and "a cover secured to said substrate through a flexible sealant material and creating a space between said substrate and said cover, said semiconductor device residing within said space and secured to said substrate and said cover comprised of a heat-conductive material."

The species of Figure 4a shows all of the limitations of claim 18. The substrate is indicated by reference numeral 307a. The semiconductor device is indicated by reference 304a. The cover secured to the substrate through a flexible sealant

material is indicated by reference numeral 301a. The flexible sealant material is indicated by reference numeral 403a. Therefore, all of the limitations of claim 18 are shown in the species of Figure 4a.

The species of Figure 5 shows all of the limitations of claim 18. The substrate is indicated by reference numeral 307. The semiconductor device is indicated by reference 304. The cover secured to the substrate through a flexible sealant material is indicated by reference numeral 301. The flexible sealant material is indicated by reference numeral 403. Therefore, all of the limitations of claim 18 are shown in the species of Figure 5.

The species of Figure 9 shows all of the limitations of claim 18. The substrate is indicated by reference numeral 307. The semiconductor device is indicated by reference 304. The cover secured to the substrate through a flexible sealant material is indicated by reference numeral 301. The flexible sealant material is indicated by reference numeral 403. Therefore, all of the limitations of claim 18 are shown in the species of Figure 9.

Applicant further submits that independent claims 1, 5, and 8 further include the limitation of a standoff or a wall structure. The standoff or wall structure is indicated by reference numeral 402a in Figure 4a, by reference numeral 402 in Figure 5, and by reference numeral 402 in Figure 9.

Therefore, the species of Figure 4a, Figure 5, and Figure 9 are not patentably distinct and cover the same general event of concepts.

Applicant, accordingly, respectfully requests withdrawal of the requirement to elect a single disclosed species for prosecution on the merits under 35 U.S.C § 121.

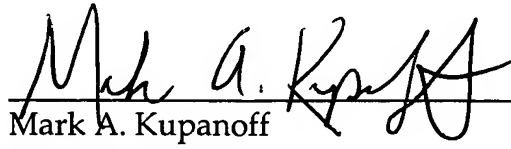
Applicant believes that the above remarks are fully responsive to the Office Action dated August 12, 2004. If the Examiner has any questions, Applicant respectfully requests that the Examiner contact the undersigned by telephone at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: September 13, 2004


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Art Unit: 2835